

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

LINDA FAIRSTEIN,	)	
	)	
Plaintiff,	)	
	)	Case No. 20-cv-00180
v.	)	
	)	
NETFLIX, INC., AVA DUVERNAY, and	)	
ATTICA LOCKE,	)	
	)	
Defendants.	)	
	)	

**DEFENDANT NETFLIX INC.'S NOTICE OF WITHDRAWAL  
OF SPECIAL MOTION TO STRIKE  
PURSUANT TO CALIFORNIA ANTI-SLAPP ACT**

Defendant Netflix, Inc. (“Netflix”), by its undersigned counsel, hereby withdraws its Special Motion to Strike the Complaint of Plaintiff Fairstein pursuant to the California anti-SLAPP Act, California Code of Civil Procedure (“C.C.P.”) § 425.16 (“Special Motion”) (ECF No. 30).

Netflix acknowledged in its Special Motion to Strike that the Eleventh Circuit in *Carbone v. Cable News Network, Inc.*, 910 F.3d 1345 (11th Cir. 2018) held that state anti-SLAPP statutes could not be entertained in federal court, and that Netflix was filing the Special Motion to preserve its right to raise the anti-SLAPP statute in the Southern District of New York (SDNY), given Netflix’s motion to dismiss or transfer under 28 U.S.C. § 1406 and/or § 1404, because courts in the SDNY have applied state anti-SLAPP laws and the Second Circuit had, at the time of filing, expressly left that question open. (ECF No. 30, Special Motion at 3 n. 2.)

On July 15, 2020, the Second Circuit issued an opinion in *La Liberté v. Reid*, No. 19-3574, 2020 WL 3980223 (2d Cir. July 15, 2020) answering that open question and holding, for the first time, that California’s anti-SLAPP statute does not apply in federal court. In view of the *La Liberté* decision, Netflix withdraws its Special Motion to Strike.

Dated: July 29, 2020

Respectfully submitted,

/s/ Natalie J. Spears

Natalie J. Spears (*pro hac vice*)  
Gregory R. Naron (*pro hac vice*)  
Jacqueline A. Giannini (*pro hac vice*)  
DENTONS US LLP  
233 South Wacker Drive, Suite 5900  
Chicago, Illinois 60606  
Phone: (312) 876-8000  
*natalie.spears@dentons.com*  
*gregory.naron@dentons.com*  
*jacqui.giannini@dentons.com*

Kelley Geraghty Price (Florida Bar #889539)  
DENTONS COHEN & GRIGSBY P.C.  
Mercato - Suite 6200  
9110 Strada Place  
Naples, Florida 34108  
Phone: (239) 390-1913  
*kelley.price@dentons.com*

Kiran Patel (*pro hac vice*)  
DENTONS US LLP  
1221 Avenue of the Americas  
New York, New York 10020  
Phone: (212) 768-6700  
*kiran.patel@dentons.com*

*Attorneys for Defendant Netflix, Inc.,*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of July, 2020 a copy of the foregoing was filed electronically via the ECF filing system.

/s/ Natalie J. Spears